

M Licence to Occupy District Land **aster Requirement GEN 105**

Purpose

A licence to occupy is required when any structure encroaches onto District owned land or road allowance. The District may require an owner to register a Covenant against the title to their property. Examples of what would be considered a structure are a carport or garage, etc. The District only considers allowing encroachments in cases of hardship.

Background

A Licence to Occupy document sets out that the District will not be liable for any damage or injury resulting from the use of the structure. The owner of the adjacent property would be required to take out liability insurance coverage indemnifying the District against any claims.

Requirements

Content: A Licence to Occupy document and a Covenant document are attached. The Licence document sets out:

- Rent – based 5% of the prior year's average assessed value of RS3 lots in the District having a recorded gross land area between 600m² and 1200 m². The rental rate per square foot per annum shall then be applied to the area occupied.
- Term: Usually year to year
- Cancellation Provision: Usually 6 months' notice by either the District or the Licensee.
- Clean-up: To be carried out at owners' expense upon termination of licence.

If required, a Covenant would be registered against title to guarantee clean-up.

Timing: If an applicant would like to request approval of an encroachment, the applicant should contact staff listed below. In some instances, Council approval may be required, which could take approximately 4 to 6 weeks. If approved, documentation should be prepared in approximately 1 week.

Owner: The owners must pay the fees and rent, and obtain liability insurance

Related Requirements/Documents/Forms

Costs: Refer to *Fees and Charges Bylaw*.

Contacts

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